

DETAILED ACTION

Rejections Repeated

1. The 35 U.S.C. 103(a) rejection of claims 9-19 unpatentable over Provost in view of Billarant has been repeated as previously made in office action 10/15/09.

Response to Arguments

2. Applicant's arguments filed 1/21/10 have been fully considered but they are not persuasive.

In response to applicant's argument that rejection improperly fails to follow the law of case as provided by the prior decision of the board of patent appeals holding the claims are patentable distinguishable over the same Provost publication and the same Billarant patent, the board held the claims distinguishable over the Provost publication and the Billarant for different reasons than suggested by the new rejection made in office action 10/15/09. The board reverse the rejection because of the covering 20 in Billarant fail to protect the adhering elements 15. The rejection made in office action 10/15/09 discloses that Provost teaches protecting the adhering elements on the adhesive closing part against penetration of foam by arranging a foam inhibiting cover (figure 5 number 56) on the second surface of the adhesive closing part to be remote from the adhering elements.

In response to applicant's argument that Provost magnets 70 along the center of the trough 66 does not disclose or render obvious the use of permanent magnets placed laterally about the periphery of the mold portion receiving the adhering elements, applicant claimed that the permanent magnets being placed laterally about *a periphery*

of a portion of the foaming mold and not the entire periphery of the mold portion.

Provost teaches that the permanent magnets are placed laterally about a periphery of A portion of the foaming mold (figure 5).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE RHEE whose telephone number is (571)272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jane Rhee/
Primary Examiner, Art Unit 1795